

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT NOCK,

Plaintiff,

- against -

SPRING ENERGY RRH, LLC, et al,

Defendants.

23-CV-1042 (JHR) (RWL)

## ORDER

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

Plaintiff has filed a letter motion at Dkt. 235 to seal certain information filed in connection with Defendant's motion for summary judgment. For most of the information, the parties are in agreement that sealing is warranted. Plaintiff takes no position on certain deposition excerpts that Defendants wish to be sealed, and opposes sealing of certain other deposition excerpts sought by Defendants. The motion to seal is granted in part and denied in part.

As to the information on which the parties agree, the Court finds that information is either private and personal information subject to redaction pursuant to the Federal Rules of Civil Procedure, or business-related information that is sufficiently sensitive and tangential to the motion so as to outweigh the presumption to public access. The Court further finds that the redactions are narrowly tailored to the concerns that justify sealing. See generally *Bernstein v. Bernstein Litowitz Berger & Grossmann LLP*, 814 F.3d 132, 142 (2d Cir. 2016) (stating factors and weighing to be considered for sealing); *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) (same). Accordingly, the request to maintain sealing of the information described in the first three paragraphs following the heading “PDF Files:” is GRANTED.

With respect to the deposition excerpts from the Gayle and Hasiak depositions that Defendants seek to seal and on which Plaintiff takes no position other than expressing “skepticism” (the “Unopposed Excerpts”), the Court finds they do not warrant sealing. The information does not appear to be of such personal or commercially sensitive nature as to merit sealing, all the more so given contextual and related information for which sealing is not sought. Accordingly, the request to maintain sealing of the Unopposed Excerpts is DENIED.

Plaintiff objects to sealing of three excerpts from the Hasiak deposition (the “Disputed Excerpts”). The Disputed Excerpts, particularly the second and third, appear germane to one of the two main points on which Defendants base their summary judgment motion: i.e., that there is no basis to pierce the corporate veil between the corporate Defendants. As such, the Disputed Excerpts are judicial documents. Notwithstanding that Defendants are private, not public companies, Defendants have not identified with any specificity why disclosure of the particular information in the Dispute Excerpts would be detrimental so as to outweigh the presumption of public access. Although this Court previously may have permitted the same or similar information to be filed under seal, the calculus has changed now that Defendants have moved for summary judgment and placed the subject matter at issue. Accordingly, the request to maintain sealing of the three Disputed Excerpts is DENIED.

Finally, the Court GRANTS Plaintiff’s request with respect to filing the identified non-pdf files with the Court other than by ECF.

The Clerk of Court is respectfully directed to terminate the letter motion at Dkt. 235.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: April 11, 2025  
New York, New York

Copies transmitted this date to all counsel of record.